

REMARKS

Please reconsider this application in view of the above amendments and the following remarks.

- Claims 1-39 are pending.
- Claims 1-39 are rejected.

Applicant has reformatted several of the claims. Additionally, Applicant has amended Claims 1, 10, 21, and 31, to recite, “wherein the step of adjusting the pressure of the chamber to a pressure other than ambient pressure results in the medical device having a smoother coating surface.” Support for this amendment can be found in the specification, as filed, paragraph [0018].

Art-based Rejections

The Examiner has rejected all of the outstanding claims either based on 35 U.S.C. §102 or §103 in view of a reference to Panagiotou, U.S. Patent No. 6,143,370, or in view of a combination of references in which the ‘370 patent is the base reference.

In order to anticipate or make obvious the outstanding claims, the reference must teach or make obvious every element of the claims. The ‘370 patent adjusts the pressure of its process to form small spherical, spheroidal or irregular shape polymer particles in order to form high surface area, high porosity coatings. See Abstract and Col. 5, lines 18-20. Therefore, the ‘370 patent does not teach that adjusting the pressure of the chamber to a pressure other than ambient pressure results in the medical device having a smoother coating surface as recited in the outstanding claims. In fact, the ‘370 patent teaches away from smooth coating surfaces. Applicant takes no position on the teaching of the secondary reference, but to the extent that the secondary reference may teach smooth coatings, the combination of references is improper because the base reference teaches away from smooth coatings. This means that the secondary reference cannot supply the missing limitation discussed above.

All independent claims recite that adjusting the pressure of the chamber to a pressure other than ambient pressure results in the medical device having a smoother coating surface. Therefore, all independent claims are patentable over the cited references.

Please remove this rejection of the independent claims.

All dependent claims depend from one of the independent claims, and therefore, contain all of the limitations of the independent claims. This makes the dependent claims patentable for at least the same reason given for the independent claims.

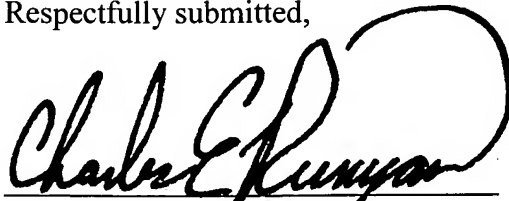
Please remove the rejection of the dependent claims, as well.

Furthermore, because prima facie obviousness or anticipation has not been made out, Applicant is under no duty to address the remainder of the Examiner's discussion in these sections of the office action including the discussion of the dependent claims. But should such a duty arise in the future, Applicant reserves the right to address that discussion then. Applicant specifically does not acquiesce to the facts, assumptions, or reasoning contained in these sections.

Since all claims are allowable, please issue a Notice of Allowability directed at these claims.

If I can be of any help, please contact me.

Respectfully submitted,



Charles E. Runyan, Ph. D.
Attorney for Applicants
Reg. No. 43,066

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Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza
Suite 300
San Francisco, CA 94111
Facsimile (415) 393-9887
Telephone (415) 954-0235
crunyan@ssd.com